

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:22-cv-00084-UA-JEP

**CARL A. BOGGS, III, and
LEAH BOGGS,**

Plaintiffs,

vs.

**BLUE CROSS BLUE SHIELD OF
NORTH CAROLINA, and BLUE
OPTIONS PPO,**

Defendants.

MEMORANDUM IN SUPPORT OF MOTION TO WITHDRAW

The undersigned Caitlin H. Walton, of the law firm Essex Richards, P.A., hereby files this memorandum in support of the Motion to Withdraw filed contemporaneously herewith.

On January 31, 2022, the above-captioned matter was transferred from the United States District Court for Utah to this Court. D.E. 23, 24. The undersigned filed a Notice of Appearance for Plaintiffs on February 21, 2022. D.E. 29. That same day, Ms. Laura Nielson entered a notice of special appearance as counsel for Plaintiffs in association with the undersigned serving as Local Civil Rule 83.1(d) counsel. D.E. 30. On July 18, 2023, Ms. Elizabeth Venum of the law firm Hull & Chandler, P.A. entered a notice of appearance in this case. D.E. 67. Ms. Venum is admitted to practice in this Court. *Id.* Ms. Nielson and Ms. Venum shall continue to represent Plaintiffs in this matter.

In light of this transition, the undersigned's request to withdraw is appropriate. As

attorneys from two other firms have entered appearances in this matter on behalf of Plaintiffs, there will be no prejudice to Plaintiffs if the undersigned counsel is permitted to withdraw. Mr. Boggs, Miss Boggs, and their counsel – Ms. Nielson and Ms. Vennum – consent to this Motion. Finally, it is not anticipated that this withdrawal will affect the dates or holding of any scheduled proceedings in this case.

Therefore, the undersigned requests that the Court grant her motion and enter an Order permitting her, and the law firm Essex Richards, P.A., to withdraw as counsel for Plaintiffs in this action and for any other relief the Court deems just and proper.

Respectfully submitted, this the 18th day of July, 2023.

/s/Caitlin H. Walton

Caitlin H. Walton
N.C. State Bar No. 49246
cwalton@essexrichards.com
ESSEX RICHARDS, P.A.
1701 South Boulevard
Charlotte, NC 28203
Phone: (704) 377-4300
Fax: (704) 372-1357

LR 83.1 Counsel for Plaintiffs

CERTIFICATE OF WORD COUNT

The undersigned attorney hereby certifies that this Brief complies with LR 7.3(d)(1) of the Rules of Practice and Procedure of the United States District Court for the Middle District of North Carolina with respect to its length. This Brief was created using Microsoft Word. Based upon the word count of Microsoft Word, this Brief contains less than 6,250 words exclusive of the caption, signature block, Certificate of Service and this Certification of Word Count.

Respectfully submitted, this the 18th day of July, 2023.

/s/Caitlin H. Walton
Caitlin H. Walton

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was electronically filed with the Clerk of Court using the CM/ECF System, which will send notification of such filing to the following individuals that are registered for service electronically:

Attorneys for Plaintiffs:

Laura Nielson

G. Eric Nielson & Associates
4790 S. Holladay Blvd.
Holladay, UT 84117
lauranielson@ericnielson.com

Elizabeth Venum

Hull & Chandler, P.A.
1009 East Blvd.
Charlotte, NC 28203
lvennum@lawyercarolina.com

Attorneys for Defendants:

Chad D. Hansen

Whitney R. Pakalka

Kilpatrick Townsend & Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101
chadhansen@kilpatricktownsend.com
wpakalka@kilpatricktownsend.com

The undersigned hereby certifies that the foregoing document was served on Plaintiffs via email and U.S. Mail, addressed as follows:

Mr. Carl A. Boggs, III and Miss Leah Boggs

PO Box 1609
Monroe, NC 28111
DBoggs@boggscontractinginc.com

This the 18th day of July, 2023.

/s/Caitlin H. Walton

Caitlin H. Walton